

REMARKS

The Office Action mailed June 8, 2004 has been received and reviewed. Claims 1-27 are in the case. Claims 1-11 and 13-27 stand rejected under the judicially created doctrine of obviousness-type double patenting. Claims 4, 6, 14, and 18 stand rejected under 35 U.S.C. §112, second paragraph. Claims 1-3, 5, 13, 16, 17, and 25-27 stand rejected under 35 U.S.C. §102(b). Claims 19-24 stand rejected under 35 U.S.C. §103(a).

By this amendment, claims 1-18 and 25-27 have been cancelled and claims 28-41 have been added. For the reasons set forth below, claims 19-24 and 28-41 are believed to be in condition for immediate allowance. Favorable reconsideration of the application in view of the following remarks, is therefore respectfully requested.

Statement of the Substance of the Interview

Applicant expresses appreciation for the in-person interview granted by the examiner on August 6, 2004.

In the interview, Applicant, through counsel, discussed with the examiner the patentability of claims 19-24 over Gilb, Wolfson, Commins, and Liem. Applicant argued that claims 19-24 included the first and second support members rendering the claims patentable over Wolfson, which teaches only a single support member. The examiner explained that, in his opinion, the first and second support members were not required by the claims. However, the examiner agreed that if claims 19-24 were amended to explicitly require first and second support members, they would avoid Wolfson. Moreover, the examiner acknowledged that if Applicant filed a Terminal Disclaimer, claims 19-24,

amended as discussed hereinabove, would avoid all of the prior art of record and be allowable, subject to further search.

Rejection of Claims 1-11 and 13-27 Under the Judicially Created Doctrine of Obviousness-Type Double Patenting

Claims 1-8 and 13-27 stand rejected under the judicially created doctrine of obviousness-type double patenting over Commins. Claims 9-11 stand rejected under the judicially created doctrine of obviousness-type double patenting over Commins in view of Wolfson.

Claims 1-11, 13-18, and 25-27 have been cancelled to focus the protection sought in the present patent application on methods of practicing the invention that were restricted in the parent patent application. Accordingly, the rejections of claims 1-11, 13-18, and 25-27 are moot.

With respect to claims 19-24, Applicant has included herewith a Terminal Disclaimer to overcome any obviousness-type double patenting rejection over Applicant's previously issued patent (U.S. Patent No. 6,625,945 issued to Commins). Reconsideration is respectfully requested.

Rejection of Claims 4, 6, 14, and 18 Under 35 U.S.C. §112, second paragraph

Claims 4, 6, 14, and 18 stand rejected under 35 U.S.C. §112, second paragraph for failure to particularly point out and distinctly claims what Applicant regards as the invention.

As stated hereinabove, claims 4, 6, 14, and 18 have been cancelled to focus the protection sought in the present patent application on methods of practicing the invention that were restricted out of the parent patent application. Accordingly, the rejection of claims 4, 6, 14, and 18 is moot.

Rejection of Claims 1-3, 5, 13, 16, 17, and 25-27 Under 35 U.S.C. §102(b)

Claims 1-3, 5, 13, 16, 17, and 25-27 stand rejected under 35 U.S.C. §102(b) as being anticipated by Wolfson.

As stated hereinabove, claims 1-3, 5, 13, 16, 17, and 25-27 have been cancelled to focus the protection sought in the present patent application on methods of practicing the invention that were restricted in the parent patent application. Accordingly, the rejection of claims 1-3, 5, 13, 16, 17, and 25-27 is moot.

Rejection of Claims 19-24 Under 35 U.S.C. §103(a)

Claims 19-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wolfson.

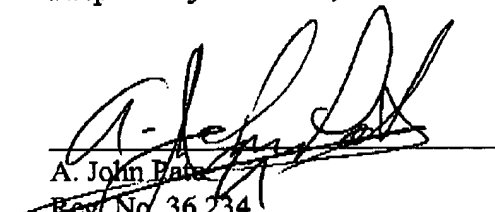
To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (*See* MPEP 2143.)

A rejection of unpatentability over Wolfson is improper and should not be maintained because Wolfson does not teach or suggest all of the limitations recited in newly amended claims 19-24. Specifically, Wolfson does not teach or suggest securing various parts of a hold-down to two different support members explicitly required by the claims. As stated hereinabove, the examiner has agreed that the amendments to claim 19, and consequently to dependent claims 20-24, avoid Wolfson. Reconsideration of claims 19-24 and consideration of claims 28-41 is respectfully requested.

In the event that the examiner finds any remaining impediment to the prompt allowance of any of these claims, which could be clarified in a telephone conference, the examiner is respectfully urged to initiate the same with the undersigned.

DATED this 11th day of August, 2004.

Respectfully submitted,


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